REMARKS/ARGUMENTS

The Examiner is thanked for acknowledging in paragraph 1 of the Office Action that claims 10, 20, and 30 would be allowable if written in independent form. Applicant believes that the remaining claims are also allowable, for the reasons set out below.

Claim Rejections - 35 USC 102

In paragraph 4 of the Office Action, claim 31 is rejected as being anticipated by Bass et al. With respect, the Applicant disagrees.

Bass is directed to a network topology view used to monitor, analyze and control an optical network at either a higher-level muxed pipeline level (VC-4 virtual container), OR a lower-level channel level (VC-12 virtual container). Thus, Figures 2b and 2c of Bass depict network topologies displaying multiplexor nodes and the interconnections therebetween relevant to the VC-4 and VC-12 virtual container levels respectively. Such depictions allow network administrators and users to see how either a muxed signal or a channel signal can travel within an optical network without allowing such administrators and users to see the interaction therebetween.

In contrast, the network topology view claimed in claim 31 is directed to monitoring of an optical network at both a muxed level and at a channel level simultaneously. The novel nature of this type of analysis is discussed in the background section at pages 1-3 of the present application. Whereas an analysis at a muxed level is useful for seeing how a particular high-level virtual container (such as a VC-4 container) is functioning, and an analysis at a channel level is useful for seeing how a particular lower-level virtual container (such as a VC-12 container) is functioning, neither view allows a user to assess whether an alarm at a channel level is occurring as a result of a problem at a muxed level.

Thus, whereas the views in Figures 2b and 2c of Bass only display multiplexors and the interconnections therebetween, the network topology view as recited in claim 31 and illustrated in Figure 5 of the present application additionally displays nodes at which channel signals can be added to or dropped from the muxed signal without multiplexing or demultiplexing the signal

(see page 8 line 25 to page 9 line 5). Such add/drop nodes would not appear in the topologies of Bass and these topologies would therefore not allow a user to fully analyze the interaction between the channels and the muxed pipelines, and any problems resulting therefrom. Thus, Bass does not disclose identifying add/drop nodes and displaying nodes which have been identified as add/drop nodes, as recited in claim 31.

Similarly, the topology of Bass would display nodes which are irrelevant to an analysis of the interaction between a channel signal and a muxed signal, nodes which would not be displayed in the topology of claim 31. For example, a node where a signal is demultiplexed and remultiplexed without any opportunity for channel signals to be added or dropped therefrom is irrelevant from the standpoint of considering the interaction between channel signals and muxed signals. However, because such a node is a multiplexing node, it would appear in the Bass topology, whereas it would not appear in the topology of claim 31. Claim 31 clearly recites that only those nodes which have been identified as add/drop nodes are displayed.

In summary, claim 31 is not anticipated by Bass because Bass contemplates the display of all multiplexor nodes and only multiplexor nodes, whereas claim 31 recites the display of only nodes at which channel signals can be added to, or dropped from, a muxed signal.

The Applicant therefore requests reconsideration and withdrawal of the objection to claim 31.

Claim Rejections – 35 USC 103(a)

STATEMENT UNDER 35 USC 103(c)

The present application and the cited U.S. Patent No. 6,570,867 to Robinson were, at the time the present invention was made, owned by or subject to an obligation of assignment to the same person. In particular, both the present application and the Robinson patent were owned by or subject to an obligation of assignment to Nortel Networks Limited. Accordingly, pursuant to 35 USC 103(c), Robinson is disqualified as prior art against the present claimed invention.

Similarly, the present application and the cited published application to Beaudoin (2003/0112958) were, at the time the present invention was made, owned by or subject to an obligation of assignment to the same person. In particular, both applications were owned by or subject to an obligation of assignment to Nortel Networks Limited. Accordingly, pursuant to 35 USC 103(c), Beaudoin is disqualified as prior art against the present claimed invention.

In paragraph 6 of the Office Action, it is alleged that claims 1-9, 11-19, 21-29, and 32 are rendered obvious by a combination of Bass, Robinson and Beaudoin.

As the obviousness rejection is dependent upon a citation of both the Robinson and Beaudoin references, and as both references are disqualified as prior art, the Applicant submits that the present rejection cannot be maintained and respectfully requests that it be withdrawn.

Claims 33-36 are also rejected under 35 USC 103(a) as being unpatentable over Bass in view of Robinson. As this rejection also relies upon a citation of the Robinson reference, which is disqualified as prior art, the Applicant submits that the rejection of claims 33-36 cannot be maintained and requests that it be withdrawn.

The Examiner is respectfully requested to pass this application to allowance but, if there are any outstanding issues, the Examiner is respectfully requested to telephone the undersigned.

Respectfully submitted,

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RAB:DMW:acb